

1 3. Jurisdiction of this Court arises pursuant to 15 U.S.C. 1692k(d), which states that such
2 actions may be brought and heard before “any appropriate United States district court
3 without regard to the amount in controversy.”

4 4. Venue and personal jurisdiction in this District are proper because Defendant does or
5 transacts business within this District, and a material portion of the events at issue occurred
6 in this District.

7 **PARTIES**

8 5. Plaintiff is a natural person residing in Richland, Benton County, Washington

9 6. Plaintiff is a consumer as that term is defined by the FDCPA.

10 7. Plaintiff allegedly owes a debt as that term is defined by the FDCPA.

11 8. Defendant is a debt collector as that term is defined by the FDCPA.

12 9. Within the last year, Defendant attempted to collect a consumer debt from Plaintiff.

13 10. Defendant is a collection agency headquartered in Greenwood Village, Colorado.

14 11. Defendant’s business includes, but is not limited to, collecting on unpaid, outstanding
15 account balances.

16 12. Defendant regularly collects, or attempts to collect, debts allegedly owed to third parties.

17 13. During the course of its attempts to collect debts allegedly owed to third parties, Defendant
18 sends to alleged debtors bills, statements, and/or other correspondence, via the mail and/or
19 electronic mail, and initiates contact with alleged debtors via various means of
20 telecommunication, such as by telephone and facsimile.

21 14. Defendant acted through its agents, employees, officers, members, directors, heirs,
22 successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.
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FACTUAL ALLEGATIONS

15. Defendant is attempting to collect an alleged consumer debt from Plaintiff originally owed to LendingClub Corporation, account number ending in 0798.

16. The alleged debt at issue arises from transactions for personal, family, and household purposes.

17. In or around March 2017, Defendant began calling Plaintiff on Plaintiff's cellular telephone, ending in 0119.

18. Defendant calls Plaintiff from the following telephone numbers: 509-590-4306, 720-509-2118, and 720-509-2125.

19. The following telephone numbers are three of Defendant's telephone numbers: 509-590-4306, 720-509-2118, and 720-509-2125.

20. On or about March 13, 2017, Plaintiff answered one of Defendant's phone calls and spoke with a female representative, Rebecca.

21. During the aforementioned conversation, Defendant demanded payment from Plaintiff.

22. During the aforementioned conversation, Plaintiff agreed to a payment arrangement, and would call Defendant back to make the payments.

23. On or about March 31, 2017, Defendant's representative, Rebecca, again called Plaintiff and demanded payment.

24. During this conversation, Plaintiff stated that she needed to change the payment arrangement.

25. In response, Rebecca told Plaintiff that she would file fraud charges against Plaintiff, would get a lien against Plaintiff's house, and would call Plaintiff's husband's place of employment.

1 26. The natural consequences of Defendant's statements and actions was to unjustly condemn
2 and vilify Plaintiff for her non-payment of the debt she allegedly owes.

3 27. The natural consequences of Defendant's statements and actions was to produce an
4 unpleasant and/or hostile situation between Defendant and Plaintiff.

5 28. The natural consequences of Defendant's statements and actions was to cause Plaintiff
6 mental distress.

7 **DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT**

8 29. Defendant violated the FDCPA based on the following:

- 9 a. Defendant violated §1692e of the FDCPA by using false, deceptive, or misleading
10 representation or means in connection with the collection of any debt, when
11 Defendant's representative Rebecca told Plaintiff that Defendant would file fraud
12 charges against Plaintiff and would get a lien against Plaintiff's house;
- 13 b. Defendant violated §1692e(4) of the FDCPA by representing or implying that
14 nonpayment of any debt will result in the attachment of any property, when
15 Defendant's representative Rebecca told Plaintiff that Defendant would file fraud
16 charges against Plaintiff and would get a lien against Plaintiff's house;
- 17 c. Defendant violated §1692e(5) of the FDCPA by threatening to take any action that
18 cannot be legally taken, when Defendant's representative Rebecca told Plaintiff
19 that Defendant would file fraud charges against Plaintiff; and
- 20 d. Defendant violated §1692e(10) of the FDCPA by using false representation or
21 deceptive means to collect or attempt to collect any debt, when Defendant's
22 representative Rebecca told Plaintiff that Defendant would file fraud charges
23 against Plaintiff and would get a lien against Plaintiff's house.
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1 WHEREFORE, Plaintiff, JENNIFER KERR, respectfully requests judgment be entered
2 against Defendant, ALPHA RECOVERY CORPORATION, for the following:

3 30. Statutory damages of \$1,000.00 pursuant to the Fair Debt Collection Practices Act, 15

4 U.S.C. 1692k;

5 31. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act,

6 15 U.S.C. 1692k; and

7 32. Any other relief that this Honorable Court deems appropriate.

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9 DATED: May 11, 2017

RESPECTFULLY SUBMITTED,

10 By: /s/Sharon D. Cousineau
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